

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 850

Introduced by Tyson, 19

Read first time January 20, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juveniles; to amend sections 43-2,110 and
2 43-404, Reissue Revised Statutes of Nebraska; to adopt
3 the Juvenile Detention Regions Act; to harmonize
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 12 of this act shall be known
2 and may be cited as the Juvenile Detention Regions Act.

3 Sec. 2. For purposes of the Juvenile Detention Regions
4 Act:

5 (1) Juvenile means any person under the age of eighteen;

6 (2) Juvenile detainee means a juvenile in the custody of
7 any law enforcement officer or court of competent jurisdiction in
8 the State of Nebraska prior to adjudication or conviction;

9 (3) Juvenile detention facility means any facility
10 operated for the purpose of incarcerating, holding, confining, or
11 otherwise having custody of a juvenile detainee pursuant to lawful
12 order of any law enforcement agency or court. A juvenile detention
13 facility may also hold juveniles under the sentencing order of a
14 court;

15 (4) Juvenile detention region means a governmental
16 subdivision established pursuant to the Interlocal Cooperation Act
17 for the purpose of constructing, operating, or maintaining juvenile
18 detention facilities or contracting for the use of such facilities;

19 (5) Juvenile detention services means programs and
20 facilities which provide:

21 (a) Preadjudication or pretrial detention of juveniles;

22 (b) Juvenile intake screening;

23 (c) Juvenile detainee education;

24 (d) Emergency medical services;

25 (e) Specialized services as federal legislation may
26 require; or

27 (f) Other services or programs as described in the act;

28 and

1 (6) Service agency means any public or private agency or
2 organization which delivers juvenile detention services and which
3 receives federal or state funds under the act.

4 Sec. 3. Six juvenile detention regions are created:

5 (1) Juvenile Detention Region 1 shall consist of Sioux,
6 Dawes, Sheridan, Cherry, Brown, Box Butte, Scotts Bluff, Banner,
7 Kimball, Cheyenne, Morrill, Garden, Grant, Hooker, Thomas, Blaine,
8 Custer, Logan, McPherson, Arthur, Keith, Keya Paha, Garfield,
9 Wheeler, Rock, Loup, Boyd, and Deuel counties;

10 (2) Juvenile Detention Region 2 shall consist of Holt,
11 Knox, Antelope, Cedar, Dixon, Dakota, Wayne, Pierce, Madison,
12 Stanton, Thurston, Cuming, Burt, Boone, Platte, Colfax, Dodge,
13 Washington, Howard, Merrick, Polk, Butler, Saunders, and Nance
14 counties and the Winnebago, Omaha, Ponca, and Santee Indian tribes;

15 (3) Juvenile Detention Region 3 shall consist of Greeley,
16 Valley, Sherman, Lincoln, Perkins, Dawson, Buffalo, Hamilton,
17 Adams, Kearney, Phelps, Gosper, Frontier, Hayes, Chase, Dundy,
18 Hitchcock, Red Willow, Furnas, Harlan, Franklin, Webster, and Hall
19 counties;

20 (4) Juvenile Detention Region 4 shall consist of York,
21 Seward, Cass, Otoe, Saline, Fillmore, Thayer, Jefferson, Gage,
22 Johnson, Nemaha, Richardson, Pawnee, Clay, Nuckolls, and Sarpy
23 counties;

24 (5) Juvenile Detention Region 5 shall consist of Douglas
25 County; and

26 (6) Juvenile Detention Region 6 shall consist of
27 Lancaster County.

28 Sec. 4. (1) Each county is responsible for providing

1 juvenile detention services and shall be a member of the juvenile
2 detention region designated in section 3 of this act.

3 (2) Within ninety days after the effective date of this
4 act, the counties and Indian tribes of each juvenile detention
5 region shall appoint a governing board which shall govern and
6 supervise the operation of the juvenile detention region facilities
7 and programs offered within their geographical boundaries. The
8 governing board may enter into contracts with public or private
9 service agencies, public or private corporations, or individuals.
10 Such board shall contract with the entity providing juvenile
11 detention services on the effective date of this act. The
12 governing board shall consist of one member from each of the county
13 boards of supervisors or county commissioners or tribal councils as
14 provided in the agreement made under the Interlocal Cooperation
15 Act. The governing board shall consist of elected officials or
16 appointed tribal representatives and at least one representative of
17 the Nebraska Sheriff's Association in the region. Initial terms of
18 the governing board members shall be determined as nearly as
19 possible as follows: One-third shall serve for one year, one-third
20 shall serve for two years, and one-third shall serve for three
21 years. All subsequent appointments shall be for three-year terms.
22 Each of the counties and Indian tribes shall contribute financial
23 support for the operation of the juvenile detention region programs
24 and facilities. Juvenile detention regions containing only one
25 county may assign the duties of the governing board to any other
26 entity responsible for juvenile detention within the region and are
27 exempt from creating a governing board and appointing an executive
28 director.

1 (3) The members of the governing board shall serve
2 without compensation but are entitled to reimbursement for their
3 actual and necessary expenses incurred in attending meetings or in
4 the discharge of any duty assigned to them by the board, with
5 mileage computed at the rate provided in section 81-1176.

6 Sec. 5. (1) Each juvenile detention region governing
7 board shall:

8 (a) Appoint an executive director within ninety days
9 after the organization of the governing board. The executive
10 director is directly responsible to the governing board for the
11 fiscal management of any juvenile detention facilities or programs
12 operated by the region and shall serve as the chief executive
13 officer of the facilities or programs;

14 (b) If a region contracts with another region for
15 juvenile detention services, include in its agreement a provision
16 for appointment of an executive director by the region operating a
17 juvenile detention facility; or

18 (c) If the region is exempt from having a governing
19 board, no executive director shall be appointed.

20 (2) Each juvenile detention region executive director
21 shall:

22 (a) Prepare a comprehensive plan for preadjudication
23 detention of juvenile detainees for the region;

24 (b) Implement and execute such plan upon approval by the
25 regional governing board;

26 (c) Submit annually to the regional governing board a
27 proposed budget and plan of the programs and services to be offered
28 in connection with juvenile detention; and

1 (d) Establish the amount of funding to be submitted by
2 each county or Indian tribe upon approval by the regional governing
3 board.

4 Sec. 6. (1) The executive director shall develop a
5 fiscal management system under the direction of the regional
6 governing board.

7 (2) The governing board may permit the employment of
8 staff by the executive director as deemed necessary by the
9 governing board.

10 Sec. 7. (1) The plan approved by the regional governing
11 board by each juvenile detention region shall include provisions
12 for:

13 (a) Safe, effective, and compliant facilities for holding
14 juvenile detainees;

15 (b) Establishment of programs for the physical, mental,
16 emotional, and spiritual well-being of juvenile detainees,
17 including, but not limited to, education, counseling, and medical
18 treatment as may be needed;

19 (c) Sources of funding for juvenile detention facilities,
20 operations, and programs;

21 (d) An annual audit of the region;

22 (e) Procedures for intake screening of juvenile detainees
23 in conformity with state and federal statutes and regulations;

24 (f) Management structure of any juvenile detention
25 facility; and

26 (g) Terms and conditions of any agreement with another
27 region to provide juvenile detention services.

28 (2) The annual budget and report of each juvenile

1 detention region shall be approved by the governing board of the
2 region by April 1 of each calendar year and shall report on
3 revenue, expenditures, and such statistical data concerning
4 juvenile detainees and other information as the regional governing
5 board deems appropriate.

6 Sec. 8. Each of the member counties or Indian tribes of
7 any juvenile detention region is primarily responsible for funding
8 for juvenile detention services. Funding for juvenile detention
9 services may be obtained by each member county or tribe through
10 general revenue bonds and other revenue raising methods allowed by
11 law for any other purpose. Funding for juvenile detention services
12 is not subject to any annual budget limitation or levy limit
13 imposed by any other law. The Office of Juvenile Services shall
14 provide funding in the amount of twenty dollars per day to a
15 juvenile detention region for each juvenile held in a juvenile
16 detention facility in such region. Juvenile detention regions may
17 also obtain federal funding, if available, private grants, if
18 available, and state grants, if available.

19 Sec. 9. Any juvenile detention region may build,
20 operate, and maintain a juvenile detention facility for its own
21 region or in conjunction with any other juvenile detention region.
22 Two or more regions may contract with each other to provide
23 juvenile detention services and such contract shall be included as
24 part of the plan for juvenile detention services as approved by the
25 regional governing boards. Each region has the powers permitted
26 under the Interlocal Cooperation Act and any agreements under the
27 Juvenile Detention Regions Act shall be consistent with the
28 Interlocal Cooperation Act. Nothing in the Juvenile Detention

1 Regions Act shall be construed to mean that any two regions or
2 tribe contracting for juvenile detention services must create a new
3 entity to construct, operate, or maintain a juvenile detention
4 facility.

5 Sec. 10. Each juvenile detention region that operates a
6 juvenile detention facility shall do so in compliance with all
7 federal, state, and local regulations concerning operations and
8 programs of juvenile detention facilities.

9 Sec. 11. (1) All financial data and records kept by each
10 juvenile detention region shall be treated the same as county
11 government data and records for purposes of release to the public.

12 (2) All files, data, records, and other information
13 concerning juveniles held by any juvenile detention facility shall
14 be made available only to the following agencies without a subpoena
15 or court order:

16 (a) Law enforcement agencies;

17 (b) Foster Care Review Board;

18 (c) Office of Juvenile Services;

19 (d) Department of Health and Human Services;

20 (e) Nebraska Commission on Law Enforcement and Criminal
21 Justice and any divisions of such agency;

22 (f) Winnebago Human Services;

23 (g) Department of Correctional Services; and

24 (h) Omaha Human Services.

25 Sec. 12. Nothing in the Juvenile Detention Regions Act
26 shall be construed to prevent any Indian tribe from providing its
27 own juvenile detention services, constructing juvenile detention
28 facilities, or contracting with any of the juvenile detention

1 regions.

2 Sec. 13. Section 43-2,110, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-2,110. (1) The several county boards of counties of
5 Nebraska shall have the power and authority to appropriate the
6 funds necessary to establish and maintain detention homes in
7 connection with the juvenile courts of this state.

8 (2) As provided in section 4 of this act, each county
9 shall provide for juvenile detention services under the Juvenile
10 Detention Regions Act.

11 Sec. 14. Section 43-404, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-404. There is created within the Department of Health
14 and Human Services the Office of Juvenile Services. The office
15 shall have oversight and control of state juvenile correctional
16 facilities and programs other than the secure youth confinement
17 facility which is under the control of the Department of
18 Correctional Services. The office shall monitor the juvenile
19 detention regions created under the Juvenile Detention Regions Act
20 but shall have no direct control or supervision over the juvenile
21 detention facilities. The Administrator of the Office of Juvenile
22 Services shall be appointed by the Governor with the approval of a
23 majority of the Legislature and shall be responsible for the
24 administration of the facilities and programs of the office. The
25 Department of Health and Human Services may contract with a state
26 agency or private provider to operate any facilities and programs
27 of the Office of Juvenile Services.

28 Sec. 15. Original sections 43-2,110 and 43-404, Reissue

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- 1 Revised Statutes of Nebraska, are repealed.